App F IX 4

Previous References

194
(ML)

File No 86-48
Serial Nos 2122

Later References
44 14 CB 4 58
44 91 CR2 57

GENERAL AND REVENUE SECRETARIAT

Serial Nos 7150

Part B for Sept 28

SUBJECT

Requests to sanction the framed Byelaws under Section 51(4)(r) of the City Municipalities Act 1933 by the Municipal Commissioner Dawanagere

L 2807/16-9-48

To

Mund-Commissioner Dawanagere
through the president

Sanctions the-

D No 158

Letter no HC 159/47-48 dt 23-6-48.

From

The Municipal Commissioner
Davangere City Municipality
Davangere

Submits a copy of the resolutions of the Municipal Council together with a copy of the byelaws framed for regulating the Conditions upon which permission may be given for temporary structures on public streets or projections over public streets under Sections 81(1) and 82 of the City Municipalities' Act 1933 as Amended from time to time and solicits sanction to the byelaws

It is reported that no objections were received in response to the notification published in the Gazette It is requested that sanction may be accorded for the adoption of the byelaws -

2 The Law Secretariat may be consulted

3 The bylaws have been framed under the provisions of Section 81(1)(xx) & 82 of the Amendment of this Act, 1933 The prescribed formalities are reported to have been observed

158 151/RL

Bye Laws of Bangalore City Municipal Council

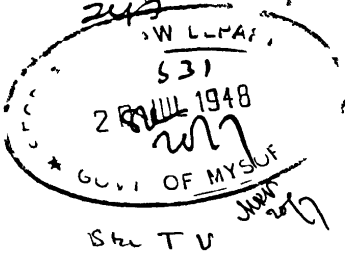
4 May maybe approved, in Consultation

with the Law Secretariat

new secy Lr 14/7/48

8/8/7

Lr 19-7-48



5) Law Secy (W/C)

6) Bye-laws 8 (c) and 14 do not seem to be in order as it is not permissible to provide penalty for a continuing offence. The words 'Any breach of this Bye-law occurring' in bye law 14 are open to the objection whether the penal provision is intended to cover breach of any of the 14 Bye-laws or breach of any particular Bye-law

7) It is necessary to ascertain from the administrative section whether similar bye laws have been framed and are in force in respect of Bangalore or Mysore City Municipalities

8) The file may be sent to the administrative section to scrutinise the bye laws in the first instance from the administrative point of view and then send it to this Branch along with a copy of sanctioned bye laws, to enable us to advise whether they are legally in order.

Bye Laws of Davangere City Municipal Area 1

Except for bye-laws 8(2) and 14 which are ultra vires, the rest are in order

9)

10) The Administrative Secretary may sanction them provided the Administrative Board of View before issue

15/6

Land Secy

11) Rev Secy MC)

SECRETARIAT
1176
9 AUG 1948
GOVT OF MYSORE

1811
17/8

12) Corrections have been made in bye laws no 8 & 14 as per the opinion of the Law Secretary, regularly for & enforcing offence which is not permissible

The bylaws framed by the Davangere city MC for regulating the conditions on which permission may be given for the temporary structures or projections over public streets under Sec 57 (1) (f) of Karnataka Municipalities Act 1933 has

5

Nl 158/48-49

been scrutinized by the Law
Deptt and they are in order
they may be approved & dispt
P.O is also put up
new regd: Rs 2/8/48

maybe approved
8
28/8/48

THE MINISTER FOR CITY
MUNICIPAL TOWN AND MUZRAIN
No 849
Dt 30-8-1948

13/9

8
14/9

Issue at once
for
14/9/48

To

The Municipal Commissioner,
Dewanpur
(through the Standing)
G.O.h. 2807/Nl86-48-22
16.9.48

Approve the Byelaws

DAVANGERE CITY MUNICIPALITY Ml 158

No Hc 159/4748
Encl 7

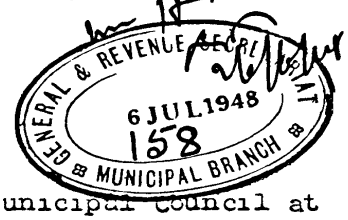
MUNICIPAL OFFICES
DAVANGERE
Dated 23rd June 1948.

From

The Municipal Commissioner, ml 86-48-21
Davangere City Municipality,
Davangere

To

The Secretary to Government,
Revenue Department,
Bangalore



Sir,

I have the honour to state that the Municipal Council at its Ordinary General Meeting held on 20-5-48, have approved the Bye-laws framed for Regulating the conditions on which permission may be given for the temporary structures on public streets or projections over Public streets under Section 51 (1) (r) and 82 of the City Municipalities act 1933 as ammended from time to time 1947

Notification No G C 499/47-48 dated 21-5-48, was published in the Gazette and also in the City calling for objections to the bye-laws (Copy enclosed)

No objections were received in response to the said notification

This subject was placed before the Council at their meeting held on 21-6-48 when it was resolved that sanction of Government may be obtained to the bye-laws since no objections are received A copy of the resolution is herein enclosed for favour of perusal

I request that sanction of Government may kindly be obtained to the Bye-laws framed by the Municipal Council

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner,
Davangere City Municipality

Forwarded with compliments 24/6/48

K J Jambanna
President,
Davangere City Municipality

P S App F VI—G 21

Proceedings of the Ordinary General Meeting of the City Municipal Council Davangere held on 15-5-1948 at 5 p m in the Council hall of the City Municipal Office

---

President

Sri K T Jambanna

x x x

Subject	Resolution
78 Approving of Bylaws framed under section 51 (1) (r) and 82 of the City Municipalities Act for regulating the condition on which permission may be given for the Temporary structures on public streets or projections on over public streets	May be approved

---

(Sd) K T Jambanna

President

"Copy "

Municipal Commissioner,
27-1-70 Davangere City Municipality

streets, that no objection

IV

No G C 499/47-48

Office of the Municipal Commissioner,
Davangere City Municipality,
Davangere, dated 21st May 1948

Notification

It is hereby notified for the information of the public that the City Municipal Council Davangere at their ordinary General Meeting have approved the Bye-laws framed for Regulating the Conditions on which permission may be given for the temporary structures on public streets or projections over public streets, under Section 51 (1) (r) and 82 of the City Municipalities Act 1933 as amended from time to time

Objections if any to the said byelaws may be preferred in writing to the Municipal Commissioner Davangere City Municipality within a month from the date of publication of this notification and objections received after one month will not be considered

A draft copy of the byelaws is kept in the Municipal Office for inspection of the public on all working days during office hours

(Sd) K Rangappa

Municipal Commissioner,
Davangere City Municipality

" Copy "

Rangappa

24/6/48 Municipal Commissioner,
Davangere City Mlty

Proceedings of the Special Emergent meeting of the Davangere City Municipal Council held on 21-6-48 in the City Municipal Office Davangere at 5 p m

---

President

Sri K T' Jambanna

x x x x

	Subject	Resolution
4	To obtain sanction of Govt the Bye-laws for Regulating the conditions on which permission may be given for the Temporary Structures on Public streets or projections over Public streets framed under Section 51 (1) (r) and 82 of the City Municipalities Act	May be sent to Government for sanction

---

(Sd) K T Jambanna
President

' Copy "

Ramappa
24/6/48 Municipal Commissioner,
Davangere City Municipality

G R S App F VI—G 2]

SUBJECT

W
1 copy

Diary No of letter replied to 158

Section W—

File No G-48

Serial No 22—

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 16-9-48 193

Signed by Sri Jnana

Read—Letter No A C 159/47-
dated the 23rd June 1948
from the Municipal Commr
Davangere City Municipality
stating that draft byelaws
were framed by the said
Mcty under section
54 (1) (r) and 82 of the Mysr
~~Order thereon—No~~ City Municipalities Act
1933 as amended from time to time
for regulating the conditions
on which permission may
be given for temporary
structures on public street
or projections over public
streets ~~etc~~ that objections

May this be—

(i) printed ?

(ii) treated as a tanding order ?

(iii) published in the Gazette
Fn lish Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette
Kannada Part ?

were called for by notification on 21-5-1948 and no objections were received in response thereto, that the Davangere M.C. Law at their meeting held on the 21st June 1948 finally resolved that sanction of Govt be obtained to these bye-laws and requesting Govt sanction in the resolution of the M.C.

Memo

Ele. Dept 280 dated 16-9-48

The bye-laws are sanctioned as amended and appended to this order.

2 Ex Copies of these bye-laws may be forwarded to the Secretariat in due Course, for reference & record

List of Enclosure

Copied by

Examined by

per Order of Govt

Rec'd 24 SEP

To

The M.C. Commr. Davangere

WD 0564—GPB—22 500—9 1 39

Davangere City Municipality

Bye-laws for regulating the conditions on which permission may be given for the temporary structures on public streets or projections over public streets (Section 51 (1) (r) and 82 of the Mysore City Municipalities Act 1933

1 (a) Deposit of Goods or Materials temporarily on land vested in the Municipal Council

1 No person shall deposit any goods or materials on any street, drains, aqueduct or other land vested in the Municipal Council, as contemplated under Sections 144 and 147 of the Mysore City Municipalities, Act, 1933, without the written permission of the Municipal Commissioner

2 The amount chargeable for the deposit of goods or materials on any street, drain, aqueduct or other land vested in the Municipal Council, shall be calculated at the rate of one anna per month per square foot of the area occupied and shall be payable in advance.

3 If the owner of any goods or materials deposited on any street, or place open to the traffic of foot-passengers or vehicles, fails to make suitable arrangements for guarding against danger to traffic, the Municipal Commissioner shall cause a notice to be served on him to make such arrangements within 24 hours after receipt of the notice and, on his failure to comply with the notice, the Municipal Commissioner shall enclose a bill of costs for carrying out the work at the owner's expense The arrangements to be made shall be clearly and definitely specified in the notice.

4 If, within 24 hours after receipt of the said notice, the owner fails to make the arrangements so specified or to show cause why such arrangements should not be made, the Executive Engineer of the Municipality Department of Public Works ~~Overseer~~ in charge shall forthwith make the arrangements specified in the notice and recover the cost of the same from the owner according to the procedure laid down in Section 95 of the Mysore City Municipalities Act The owner shall have an opportunity within seven days after receipt of the bill to show cause to the satisfaction of the Municipal Commissioner that the arrangements made were unnecessary.

p t o

5. The following is the scale of fees for obstructions and encroachments of different kinds:-

(a) For awnings -Two annas per square foot per month

(b) For temporary archways across roads - Rupee one per day for each arch on each road

(c) The fees for obstructions shall be charged at the scales mentioned above and such charges shall be recoverable in the manner prescribed in the Act for the recovery of consolidated rates

(B) Occupation of Public Streets for Vending Fruits, etc

6 In such streets or public roads as may be specified and in such parts of the same as may be set apart by the Municipal Council a fee of six annas per month or quarter of an anna per day shall be levied for the temporary occupation of a public street for the sale of articles, e g , vegetables, fruits, silk and cotton goods or wares, betel leaf, head-loads of fire wood, etc , provided that the Municipal Commissioner may allow the temporary occupation of public streets as not to inconvenience the public and may order the levy of a fee not exceeding four annas per square yard per month

7 Any person who takes out a license for a certain area and subsequently occupies a greater area without taking out a license for the excess so occupied shall be liable to pay for such excess area an amount calculated at the rate of ten annas per month per superficial foot of the area so occupied This amount shall be recoverable according to the procedure laid down in Section 95 of the Mysore City Municipalities Act.

II Regarding the erection of pandals or other temporary structures on public streets

8 No pendals or other temporary structures for ~~xxxx~~ marriage or other purposes shall be erected in any street, land or public thoroughfare, without the written permission from the Municipal Commissioner. On receipt of application for permission to put up such structures, specifying the situation, size and other particulars, license will be issued by the Municipal Commissioner, if he

he sees no objection thereto, on such conditions as he may think necessary to provide for the public convenience and safety and on payment of the following fees -

For a pandal 6 feet broad by 12 feet long or not exceeding 72 square feet -	None
For a pandal exceeding 72 square feet and not exceeding 150	Eight annas
For every additional 150 square feet or portion -	Eight annas

(a) No pendal shall ordinarily be allowed to stand for more than fifteen days.

An extension of time may be granted on payment of one half the original fee, but not so as to ~~mix~~ exceed a month from the commencement

(b) If on the expiration of the time allowed in the license, or the period granted in extension thereto on special application, the person that puts up the structure does not remove it, the Municipal Commissioner may issue a notice to the defaulter for its removal within such time as may be fixed by him in each case, at the end of which time, he may have it removed and the cost of such removal shall be recoverable from the defaulter as a Municipal demand.

(c) ~~Any breach of this Bye-law, will, on conviction, subject the offender to a penalty not exceeding Rs 5/- for the first offence and Rs 10/- for each subsequent offence~~

(d) Provided that in the case of pendals intended for purposes of charity or public utility, permission may be granted free of charge, but the period of its existence shall not exceed fifteen days.

III Regarding the Projections over Public Streets

9 (a) No weather-board, sun-shade shop-board or any other projections shall be allowed in any street which is less than 15 feet in width

(b) In streets which are not less than 15 feet, in width permission may be granted for the putting up of weather-boards, sun-shades, shop-boards etc , not exceeding 2½ feet in breadth

10 In streets which are more than 30 feet wide, the weather-

weather-boards, sun-shades, shop-boards, etc , may be not more than 3 feet in width

11 The weather-boards, etc , shall always be of non-inflammable material like zinc sheets or ~~xkx~~ asbestos cement sheets

12 The fees for weather-boards, etc , for every half - year payable in advance shall be as follows -

One rupee for every weather-board, etc , not exceeding 2½ feet in width and 10 feet in length or fraction thereof

Two rupees for every weather-boards, etc., not exceeding 3 feet in width and 10 feet in length or fraction thereof

13 The weather-boards, sun-shades, etc , shall not be less than 8 feet high from the plinth of the building or surface of the streets

14 Any breach of the above Bye-laws will, on conviction, subject the offender to a penalty not exceeding Rs 5/- ~~for the first offence and Rs 10/- for each subsequent offence~~ omit

Approved by the Municipal Council Davangere at its Ordinary General Meeting held on 20-5-48 vide resolution No 78

20/5/48

Municipal Commissioner,
Davangere City Municipality

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

READ -

Letter No H C 159/47-48 dated the 23rd June 1948 from the Municipal Commissioner, Davangere City Municipality, stating that draft byelaws were framed by the said Municipality under Section 51(1)(r) and 82 of the Mysore City Municipalities Act 1933 as amended from time to time for regulating the conditions on which permission may be given for temporary structures on public streets or projections over public street, that objections were called for by notification on 21st May 1948 and no objections were received in response thereto, that the Davangere City Municipal Council have at their meeting held on the 21st June 1948 finally resolved that sanction of Government be obtained to these byelaws and requesting Government sanction to the resolution of the Municipal Council

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ORDER NO L·2807/mk 86-48-22

Dated, Bangalore, the 16-9-48

The byelaws are sanctioned as amended and appended to this order

2 Six printed copies of these byelaws may be forwarded to the Secretariat in due course for reference and record.

weather-boards, sun-shades, shop-boards, etc , may be not more than 3 feet in width

~~shall have be of non-inflammable~~

for reference and record

For Secretary to Government,
Revenue Department.

To

The Municipal Commissioner, Davangere City Municipality (Through the President)